

U.S. DISTRICT COURT

DISTRICT OF PUERTO RICO

IRMGARD AIMEE PAGAN RIVERA
Plaintiff,

v.

LUMA Energy CORPORATION (LUMA),
MR. JUAN SACA President of LUMA
Defendants.

Case No.:

**COMPLAINT FOR BREACH OF
CONTRACT AND DAMAGES,
INVASION OF PROPERTY**
TRIAL BY JURY

COMPLAINT

COMES NOW Plaintiff Irmgard Aimee Pagan Rivera, hereinafter referred as Irmgard Pagan, represented by the undersigned attorney and very respectfully STATE, ALLEGE AND PRAYS:

JURISDICTION

This Honorable Court has Jurisdiction in this case because the Defendants are a foreign corporation and Mr. Juan Saca is the actual President of the indicated corporation named Luma. Also is a foreigner the former President of Luma named Mr. Wayne Stenby. Plaintiff is the owner of the property that is the object of this case. The property is located in the City of Carolina, P.R. U.S.A. Plaintiff owner Irmgard Pagan inherited said property by way of a Judgment that is final and firm since the year 2012. The final and firm indicated Judgment was by way of a Settlement dated September 17, 2011, Honorable Giselle Romero Garcia, Superior Judge. The indicated

Honorable Judge later became an Appellate Judge of the Commonwealth of P.R. U.S.A. This case is for breach of contract and the damages caused to the property of the Plaintiff. All said damages caused by Luma Corporation and the Luma President and/or employees and/or agents.

THE PARTIES

1. Plaintiff Irmgard Aimee Pagan Rivera a resident of the state of Maryland is the owner of the property (Not a Resident) that is affected by the damages caused by Luma Corporation, the President of Luma, and the employees and o/r agents of Luma Corporation. The property is a farm of twenty-three lots (cuerdas), located at Barrazas Road 856, Santa Cruz, and is commonly known as Duina Ranch. Irmgard Pagan is not a resident.
2. Defendants are Luma corporation (Luma), POBox 363508, San Juan Puerto Rico (PR), United States of America (U.S.A.) 00936-3508.
3. The president of Luma, Mr. Juan Saca, and the employees and/or the agents of the same.

FACTUAL ALLEGATIONS

1. On September 16, 2022 the subscribing and or undersigned attorney wrote the following letter to the then President of Luma Mr. Wayne Stenby: "We refer to the aforementioned subject and/or matter: On September 14, 2022 and on September 15, 2022 we visited the farm of over twenty acres indicated, that inherited Mrs. Irmgard Aimee Pagan Rivera(Inheritor and Widow Irmgard Pagan). Inheritor and Widow Irmgard Pagan inherited the indicated farm by way of a Judicial Judgment that is final and firm since the year 2012. The final and firm Judgment was by way of Settlement. For our surprise, we became aware of the Trespassing by Luma, last Saturday dated September 16, 2022, by the manager of a Hardware Store we were shopping at.

The indicated manager is a resident and/or neighbor of Rancho Duina, who has known Plaintiff for decades. The fence trespassing caused the complete breaking of many acres of Rancho Duina' fence. We have photos of the broken fence. Nobody from Luma requested authorization for entering Rancho Duina and/or breaking the fence. Inheritor and Widow Irmgard Pagan was also appointed Judicial Administrator of all the Estate since the year 2006. In addition, the brother of the Plaintiff, Inheritor and Widow named Miguel Pagan performs as Administrator when the Widow is out of the territory of P.R.U.S.A. Miguel Pagan has never received any communication from Luma inheritor and Widow and Widow and Owner of Rancho Duina has never received any kind of communication from Luma. Luma put equipment without the consent or authorization from neither the owner, inheritor and the widow of Rancho Duina nor the Administrator of Rancho Duina Miguel Pagan. It is requested that the destroyed fence of many acres of Rancho Duina be immediately restored and repaired by Luma . Luma has to pay the cost of restoring and/or repairing of the fence of Rancho Duina. Luma has to comply with the Law."

2. On April 1, 2024, the subscribing attorney again wrote to the actual President of Luma Corporation, Mr. Juan Saca. It was indicated in the second letter, Received Return Receipt, to Defendant Luma Corporation the following: "Dear Luma President Mr. Juan Saca: I refer to the communication of September 29, 2022, in relation to the trespassing of the farm of 23 acres (cuerdas), known as Duina Ranch (in Spanish Rancho Duina), since it is in Carolina Puerto Rico U.S.A. In Puerto Rico both languages are officials Spanish and English, Please refer to Federal Law 600, that the Commonwealth of Puerto Rico, is still the Puerto Rico Status. The remaining called Plebiscites are only Beauty Contests not authorized by the Congress of the United States of America (U.S.A.). Luma did not ask for any authorization to destroy all the

fence around the farm and Luma did not have any authorization from my client to construct inside Rancho Duina the huge towers. Luma has caused my client big damages with its actions. The mentioned Rancho Duina inheritor was never requested for authorization for said trespassing. The letter of September 29, 2022, was sent, including annexes and photo annexes, return receipt to Mr. Wayne Stenby then President of Luma Energy Corporation. The communication with annexes, to the mentioned then President was NEVER REPLIED by LUMA to my client Irmgard Pagan AND NO ACTION CORRECTING THE DAMAGES INDICATED HAVE BEEN TAKEN on this property. The letter of September 29, 2022 subject matter is: "TRESPASING OF RANCHO DUINA 859, ROAD BARAZAS WARD, ALDEA STREET SANTA CRUZ WARD CAROLINA PR USA 00958" At present LUMA has trespassed and invaded Rancho Duina owned by my client, without any authorization from her in violation of many laws of Puerto Rico and the United States of America(U.S.A.) Rancho Duina is in the Metropolitan Area of San Juan P.R. U.S.A. This letter reaffirms THE REQUEST by my client to LUMA ENERGY CORPORATION LOCATED IN THE CAPITAL CITY OF SAN JUAN PUERTO RICO U.S.A. to immediately pay for all damages caused by Luma to this property.

Cordially

Signed by Miguel Pagan. Esq.

Attorney at Law, Tel: (787)428-1148,

Annexes"

3. No request has been made by Defendant Luma Corporation to the Puerto Rico Property Registry and or the Center of Collections or Municipalities (in Spanish Centro de Recaudaciones de Ingresos Municipales), hereinafter referred as the CRIM.

4. Defendant LUMA has ignored all the communications of the Plaintiff Owner and Inheritor IRMGARD AMIMEE PAGAN RIVERA, HEREINAFTER REFERRED AS Plaintiff Irmgard Pagan and LUMA has ignored the requests of the Administrator of Rancho Duina herein referred to as Administrator Miguel Pagan.

LEGAL ARGUMENTS

1. The behavior of LUMA is in violation of the Due Process of Law of the Constitution of the United States of America (U.S.A.). The Due Process Clause of the U.S.A. Constitution provides, mandates and order that NO PERSON OR CITIZEN CAN BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW. Due Process of the U.S.A. Constitution implies Notice, Hearing and Answering of the mail or letters of the Plaintiffs and his delegates, Authorization to Enter the Property, Correction and the indemnification of the damages done to the Plaintiff and/or Owner and/ or Inheritor, and Plaintiff is Irmgard Pagan.
2. Among the damages suffered by Irmgard Pagan and her property that is the farm of 23 lots, commonly known as Duina Ranch (Rancho Duina) , are included the following damages, suffered by the farm and by Plaintiff Irmgard Pagan that is the Owner
 - a. The destruction of the fence without authorization.
 - b. The loss of value of the property and /or farm named Rancho Duina.
 - c. The lack of protection against the criminal incidence suffered by the Farm and of the structures of the same.
 - d. The impossible use of the Farm and 63 Stables and the impossibility of renting the 63 stables.

- e. The loss of value for selling and/or renting of the farm and structures of the same.
- f. The deterioration of the image of the farm and structures.
- g. The breach of the Contracts and/or future Contracts for Electricity and for Plumbing facilities.
- h. LUMA affected the image of the farm Rancho Duina. In the place where it placed the huge towers it was used for years to ride horses, whose owners rented the 63 stables.
- i. The huge towers of LUMA were in one of the best places where people that drive the area, looked for amusement.
- j. LUMA huge towers have invaded a large portion of the Farm known as Duina Ranch owned by Irmgard Pagan.

3. It is a fact that Puerto Rico U.S.A. is frequently without electricity, especially in the mountains regions. However, the electricity is every day more expensive. In other words, since LUMA foreign Corporation is in charge of the electricity the bills are with a lot of increased. LUMA Corporation Presidents have escort and security, including among them the former Lady who was the Police Superintendent, who in addition was the First Lady to be a West Point Graduate. The street, Avenues and Highways like the Las Americas Highway and others have a less strong illumination.

4. In the Continental United States U.S.A., light in houses, streets, Avenues, Boulevards, Drives, Huge Buildings, Highways Buildings and Public Areas like Parks Stadiums, Coliseums and Airports have improved their Electricity. In Puerto Rico U.S.A. the situation is the opposite. The Only thing that LUMA has increased are the ELECTRICITY BILLS.

5. The breach of the Contract of LUMA to provide electricity at reasonable prices is evident, and

the damages caused by LUMA to the people and businesses, including to the Plaintiffs is crystal clear. Other letters to Luma were sent by plaintiff in 2023 and 2024.

6. In addition LUMA Energy does not pay attention to Complaints, and only reply as excuses that the main plants are old and do not work, that Puerto Rico is too much affected by Hurricanes, and the last excuse that they use is the humidity of Puerto Rico and that it rains too much. If climate things in Puerto Rico U.S.A are so bad, the question is why does LUMA Energy do not leave Puerto Rico U.S.A. Probably because in breach of their contract their bills are every day higher. That have been obvious with all the damages that they have caused to Duina Ranch Farm, invading almost several lots(Cuerdas) of the Farm Duina Ranch.

PRAYER OF RELIEF:

WHEREFORE the Plaintiff respectfully request from this Honorable Court to Grant this Complaint, and impose damages IN THE AMOUNT OF TEN(\$10,000,000)MILLIONS DOLLARS indemnization to be paid by LUMA Energy, ALSO TO PAY TO PLAINTIFF attorneys fees and costs in the amount of TWENTY THOUSANDS DOLLARS (\$20,000), punitive damages in the amount of FIFTY THOUSANDS (\$50,000) pertinent Injunctive Relief. I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using CM/EFC System , which will send notification of such filing to all parties and attorneys of record.

In San Juan Puerto Rico. Respectfully submitted,

s/JOSE R. PÉREZ-HERNÁNDEZ

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Certification of Notice:

It is hereby certified that notice of this Complaint has been sent to all the Defendants who are Luma Corporation (Luma) and the president of Luma, Mr. Juan Saca, and the employees and/or the agents of the same.